

### **REMARKS**

The Office Action notes that claims 3-5 are pending in the application. Of these, claim 3 was subject to an earlier restriction or election requirement.

Therefore, claims 4-5 are currently under consideration. This response neither amends nor cancels any of the pending claims. Claims 3-5 remain pending with claims 4 and 5 under consideration.

Claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Benson et al. (U.S. Patent No. 5,696,627; "Benson").

Claim 4 recites a shaped sheet for forming a resin coating. The shaped sheet comprises substrate sheet and a releasable resin layer. The releasable resin layer has a convex-concave transfer pattern. The convex-concave transfer pattern has a top portion and a bottom portion that "are flat and across sectional shape thereof" with a fine irregular surface having an arithmetic average roughness Ra of 1.5 to 30 $\mu$ m.

Benson discloses a cube corner article (e.g. FIG. 18) having retro-reflective properties that is directly inmachinable. Metro reflective cube corner elements are known for having three reflecting surfaces which reflect light in a direction opposite to and parallel to its direction of incidents. One common use of these reflectors is for reflective highway signs.

The Office Action acknowledges that the cube corner article of Benson does not disclose a surface having arithmetic average roughness Ra of 1.5 to 30 $\mu$ m but articulates that it would have been obvious to one of ordinary skill in the art to

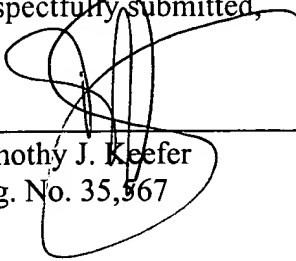
modify the article of Benson to have such roughness in order to optimize its performance. The Applicant respectfully disagrees.

The property of reflectance which is a measure of amount of light that is reflected from a surface is dependent on surface roughness. The greater the roughness of a surface the more light will diffuse from the surface. On the other hand, lower surface roughness causes light to reflect in a more specular fashion. Benson discloses a retroflective cube corner surface. Cube corner reflectors by definition reflect light in a direction opposite to and parallel from the direction of incidents. Providing Benson with additional surface roughness would cause light to diffuse from the surface which could render it inoperable as a cube corner reflector.

In addition, Benson does not specify a surface roughness for the cube corner articles described therein. Therefore, it is impossible for the Examiner to say that modifying the article of Benson to have a surface roughness of 1.5 to 30 $\mu$ m will optimize or degrade its performance. The Applicant respectfully request that the Examiner provide some explanation as to what effect providing the article of Benson with a surface roughness of 1.5 to 30 $\mu$ m would have on the performance of the article. Because the art of record does not provide an explanation as to how the performance would be affected, the Applicant respectfully submits that the

Examiner has failed to present a *prima facie* case of obviousness. Accordingly,  
favorable reconsideration is requested.

Respectfully submitted,

  
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I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

2/18/04  
Melissa Rodriguez  
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